IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 21442 of 2001

Between:

Smt V.Varalakshmi, W/o. V.Satyanarayana,
R/o. H.No.10-3-291/1/E/2, Humayun Nagar,
Vijayanagar Colony, Hyderabad.

..... PETITIONER

AND

1 The Assistant Divisional Engineer (Operations), Andhra Pradesh Central Power Distribution Company Limited,
Central Circle, Humayun Nagar,
Vijayanagar Colony, Hyderabad.
2 The Superintending Engineer, APCPDCL,
Mintcompound, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate direction, order particularly one in the nature of writ of Mandamus declaring the action of the respondents in laying the foundation for erection of electricity transform abutting the dwelling house of the petitioner bearing Municipal Door No.10-3-291/1/E/2, Humayun Nagar, Vijayanagar Colony, Hyderabad as illegal, arbitrary, violative of norms of the erection of transform apart from violative of Article 14 of the Constitution of India.

Counsel for the Petitioner:MR.S.A.RAZAK

Counsel for the Respondent No.: MR.KANAKAMEDALA RAVINDRA KUMAR, SC for A.P. TRANSCO

The Court made the following :

ORAL ORDER:

This writ petition is filed, seeking a writ of Mandamus, to declare the action of the respondents in laying the foundation for erection of electric transformer, abutting the house of the petitioner bearing Municipal Door No.10-3-291/1/E/2, Humayun Nagar, Vijayanagar Colony, as illegal and arbitrary.

It is stated, in the affidavit filed in support of this writ petition, that at a distance of 50 yards from the house of the petitioner, there is a land belonging to the Government and without utilizing the said land, the respondents are planning to erect a transformer abutting his house by laying a foundation. It is the case of the petitioner that, if the said transformer is erected in the place, where foundation is laid, it will cause danger to the inmates of his house.

Though this writ petition is of the year 2001, no counter is filed, as yet. In the affidavit filed by the petitioner, it is not the case of the petitioner that the land, where the foundation is laid, belongs to him. Further, at what distance the said transformer is sought to be erected cannot be enquired into in this writ petition, filed under Art.226 of the Constitution of India.

However, as no counter is filed, I dispose of the writ petition permitting the

petitioner to file a representation before the 2nd respondent in this regard, if the said transformer is not yet erected as on today. Upon filing of such application, the 2nd respondent shall consider the same taking into account the present situation at the said site, and dispose of the application as expeditiously as possible.

Subject to above directions, the writ petition is disposed of. No order as to costs.

5.7.2005

CVM

To,

1. 1 The Assistant Divisional Engineer (Operations), Andhra Pradesh Central Power Distribution Company Limited,
Central Circle, Humayun Nagar,
Vijayanagar Colony, Hyderabad.
2 The Superintending Engineer, APCPDCL,
Mint Compound, Hyderabad.

3. 2 CD copies.